

Exhibit A

Srivastava, Nidhi (NYC)

From: Klein, Douglas J. (NYC)
Sent: Monday, October 29, 2018 10:22 AM
To: Troy Law
Cc: Ekelman, Felice B. (NYC); Srivastava, Nidhi (NYC)
Subject: RE: Activity in Case 1:18-cv-00729-BMC Yang et al v. Everyday Beauty Amore Inc. et al Scheduling Order

Mr. Troy,

We will discuss with our client the possibility of consenting to conditional certification. Can you please send a proposed stipulation and a proposed draft of the Notice?

Doug

Douglas J. Klein

Attorney at Law

Jackson Lewis P.C.

666 Third Avenue

29th Floor

New York, NY 10017

Direct: (212) 545-4020 | Main: (212) 545-4000

Douglas.Klein@jacksonlewis.com | www.jacksonlewis.com

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From: Troy Law <troylaw@troypllc.com>

Sent: Friday, October 26, 2018 7:13 PM

To: Ekelman, Felice B. (NYC) <Felice.Ekelman@jacksonlewis.com>; New York City Docketing <NewYorkCityDocketing@jacksonlewis.com>; docket@troypllc.com; Hogan, Christine L. <clhogan@littler.com>; NYO Paralegals <nyoparalegals@littler.com>; Klein, Douglas J. (NYC) <Douglas.Klein@jacksonlewis.com>; douglasjklein@gmail.com; Yam, Kevin K. <KYam@littler.com>; Srivastava, Nidhi (NYC) <Nidhi.Srivastava@Jacksonlewis.com>

Subject: Fwd: Activity in Case 1:18-cv-00729-BMC Yang et al v. Everyday Beauty Amore Inc. et al Scheduling Order

Counselors,

Would you like to consent to the Conditional Collective Certification relief?

We shall propound you the stipulation if you agree.

Thank you.

John Troy

TROY LAW
Attorneys & Counselors at Law

Queens: 41-25 Kissena Blvd., Suite 119, Flushing, NY 11355 Tel: (718) 762-1324
Taipei: 11F, No. 372, Linsen N. Rd., Taipei City 10446, Taiwan Tel: +886-2-2571-2572

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----- Forwarded message -----

From: <ecf_bounces@nyed.uscourts.gov>

Date: 23 October 2018 at 13:27

Subject: Activity in Case 1:18-cv-00729-BMC Yang et al v. Everyday Beauty Amore Inc. et al Scheduling Order

To: nobody@nyed.uscourts.gov

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 10/23/2018 at 1:27 PM EDT and filed on 10/23/2018

Case Name: Yang et al v. Everyday Beauty Amore Inc. et al

Case Number: [1:18-cv-00729-BMC](#)

Filer:

Document Number: No document attached

Docket Text:

SCHEDULING ORDER. Plaintiffs shall file their motion for conditional collective certification by 11/13/2018. Defendants should carefully consider whether it is in their interest to consent to the relief and negotiate the form of notice with plaintiffs, considering the liberal standard for granting such motions and the fee-switching provision of the FLSA. Ordered by Judge Brian M. Cogan on 10/23/2018. (Clarke, Melonie)

1:18-cv-00729-BMC Notice has been electronically mailed to:

Felice B. Ekelman ekelmanf@jacksonlewis.com, NewYorkCityDocketing@JacksonLewis.com

John Troy johnstroy@troypllc.com, docket@troypllc.com, troylaw@troypllc.com, troylawpllc@gmail.com,
williamwang@troypllc.com

Christine Lee Hogan clhogan@littler.com, nyoparalegals@littler.com

Douglas J. Klein douglas.klein@jacksonlewis.com, NewYorkCityDocketing@jacksonlewis.com,
douglasjklein@gmail.com

Kevin K. Yam KYam@littler.com

Keli Liu (Terminated) kliu@hanglaw.com, keliu29@gmail.com

Aaron Schweitzer troylaw@troypllc.com, aschwei4@gmail.com

Nidhi Srivastava nidhi.srivastava@jacksonlewis.com

1:18-cv-00729-BMC Notice will not be electronically mailed to:

Exhibit B

Srivastava, Nidhi (NYC)

From: Klein, Douglas J. (NYC)
Sent: Thursday, November 08, 2018 6:09 PM
To: Troy Law
Cc: Ekelman, Felice B. (NYC); Srivastava, Nidhi (NYC)
Subject: RE: Re:18-cv-00729-BMC Yang et al v. Everyday Beauty Amore Inc. et al Scheduling Order

Mr. Troy,

This email follows your call to me today at 5:26pm following your receipt of my email below attaching Defendants' proposed redline revisions to Plaintiffs' proposed conditional collective certification stipulation and notice.

I have never met or spoken with you before you called me today, and was astonished to experience your conduct. You were highly unprofessional, or perhaps something worse than that. You immediately yelled at me when I answered. When I asked you why you were yelling at me you responded "I am not yelling at you I am just raising voice." What was more shocking was your use of profanity. On two occasions, you said "you are trying to fuck with me." I asked you not to use profanity with me.

I have never been spoken to by another attorney (adversary or otherwise) the way you spoke to me. You may never speak to me again in that manner. That may be how you conduct yourself with others, but it is not acceptable. I ask that you never speak to me or any of my colleagues like that ever again. We are professionals and must conduct ourselves as such. I remained on the call despite your conduct in an effort to try to reach some middle ground on Plaintiffs' proposed stipulation and notice, and Defendants' proposed changes. Eventually, you hung up on me, yet another highly unprofessional act.

On behalf of our client we are still willing to attempt to reach an agreement regarding the notice and stipulation which should not be an impossible task.

I trust you understand that we are trying to work out the terms of a stipulated notice to avoid both sides expending time and expense associated with a conditional certification motion. It's necessarily a negotiation, and the Court will look to us to resolve our differences professionally.

Defendants remain hopeful the Parties can discuss the terms of a stipulated notice. We expect your office will discuss those terms with us in a professional manner. Please let me know when we can have a meaningful discussion. We await your response.

Doug

Douglas J. Klein

Attorney at Law

Jackson Lewis P.C.

666 Third Avenue

29th Floor

New York, NY 10017

Direct: (212) 545-4020 | Main: (212) 545-4000

Douglas.Klein@jacksonlewis.com | www.jacksonlewis.com

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From: Klein, Douglas J. (NYC)
Sent: Thursday, November 08, 2018 3:14 PM
To: Troy Law <troylaw@troypllc.com>
Cc: Ekelman, Felice B. (NYC) <Felice.Ekelman@jacksonlewis.com>; Srivastava, Nidhi (NYC) <Nidhi.Srivastava@Jacksonlewis.com>
Subject: RE: Re:18-cv-00729-BMC Yang et al v. Everyday Beauty Amore Inc. et al Scheduling Order

Mr. Troy,
We are still awaiting final authority from our client to proceed with the attached. However, in the interest of moving things along, subject to our client's ongoing review, attached are Defendants' proposed redline revisions to the Stipulation and Notice.
Please let us know once you have an opportunity to review.
Doug

From: Klein, Douglas J. (NYC)
Sent: Wednesday, November 07, 2018 11:03 AM
To: Troy Law <troylaw@troypllc.com>
Cc: Ekelman, Felice B. (NYC) <Felice.Ekelman@jacksonlewis.com>; Srivastava, Nidhi (NYC) <Nidhi.Srivastava@Jacksonlewis.com>
Subject: RE: Re:18-cv-00729-BMC Yang et al v. Everyday Beauty Amore Inc. et al Scheduling Order

Mr. Troy,
We are in receipt of your email yesterday at 2:18pm and the email you just sent. We are still reviewing the notice on our end and expect to have proposed revisions back to you soon. In light of the Court's Nov 13 deadline for you to file your motion, if you would like to request an extension of time to file while the parties continue to discuss stipulating to a notice, you have our consent to submit such a request. Please send us a draft of your extension request submission to the court before you file it.
Thank you.
Doug

Douglas J. Klein

Attorney at Law

Jackson Lewis P.C.

666 Third Avenue

29th Floor

New York, NY 10017

Direct: (212) 545-4020 | Main: (212) 545-4000

Douglas.Klein@jacksonlewis.com | www.jacksonlewis.com

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From: Troy Law <troylaw@troypllc.com>
Sent: Wednesday, November 07, 2018 10:56 AM

To: Klein, Douglas J. (NYC) <Douglas.Klein@jacksonlewis.com>

Cc: Ekelman, Felice B. (NYC) <Felice.Ekelman@jacksonlewis.com>; Srivastava, Nidhi (NYC) <Nidhi.Srivastava@Jacksonlewis.com>

Subject: Re: Re:18-cv-00729-BMC Yang et al v. Everyday Beauty Amore Inc. et al Scheduling Order

Dear Counsellors,

We are writing to follow up on the stipulation for the MCCC.

If we don't hear back from you, by the end of today we will proceed with the Motion for MCCC.

Further, we will impose the fees and costs incurred to do the motion upon the Defendants.

Kindly, revert back to us.

Thanks,
Regards

Preethi Kilaru
for John Troy

TROY LAW

Attorneys & Counselors at Law

Queens: 41-25 Kissena Blvd., Suite 119, Flushing, NY 11355 Tel: (718) 762-1324
Taipei: 11F, No. 372, Linsen N. Rd., Taipei City 10446, Taiwan Tel: +886-2-2571-2572

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**We do not keep originals or copies of clients, clients shall retain all their own*

On 6 November 2018 at 14:18, Troy Law <troylaw@troypllc.com> wrote:

Dear Mr. Klein,

Any Update??

John Troy

TROY LAW

Attorneys & Counselors at Law

Queens: 41-25 Kissena Blvd., Suite 119, Flushing, NY 11355 Tel: (718) 762-1324
Taipei: 11F, No. 372, Linsen N. Rd., Taipei City 10446, Taiwan Tel: +886-2-2571-2572

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On 1 November 2018 at 18:26, Troy Law <troylaw@troypllc.com> wrote:

Dear Counsellor,

Thank You, for making an effort to stipulate.

Attached find the Word version of the Stipulation and the Proposed Notice of Pendency.

Kindly, redline all your changes.

Thanks,
Regards

Preethi Kilaru
for John Troy

TROY LAW

Attorneys & Counselors at Law

Queens: 41-25 Kissena Blvd., Suite 119, Flushing, NY 11355 Tel: (718) 762-1324
Taipei: 11F, No. 372, Linsen N. Rd., Taipei City 10446, Taiwan Tel: +886-2-2571-2572

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**We do not keep originals or copies of clients, clients shall retain all their own*

On 1 November 2018 at 18:12, Klein, Douglas J. (NYC) <Douglas.Klein@jacksonlewis.com> wrote:

Mr. Troy, can you please send us the proposed Notice and proposed Stipulation in Word format? We will prepare proposed redline changes for your review, and see if we can agree to the terms of a Notice and Stipulation. If those discussions are progressing meaningfully, we would not object to you requesting an extension of time to file your motion in an effort to get the stipulation done. Perhaps we won't even need extra time.

Doug

Douglas J. Klein

Attorney at Law

Jackson Lewis P.C.

666 Third Avenue

29th Floor

New York, NY 10017

Direct: (212) 545-4020 | Main: (212) 545-4000

Douglas.Klein@jacksonlewis.com | www.jacksonlewis.com

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From: Troy Law <troylaw@troypllc.com>

Sent: Thursday, November 01, 2018 12:38 PM

To: Klein, Douglas J. (NYC) <Douglas.Klein@jacksonlewis.com>

Cc: Ekelman, Felice B. (NYC) <Felice.Ekelman@jacksonlewis.com>; Srivastava, Nidhi (NYC) <Nidhi.Srivastava@Jacksonlewis.com>

Subject: Re:18-cv-00729-BMC Yang et al v. Everyday Beauty Amore Inc. et al Scheduling Order

Dear Counsellor,

How much time would you need to get your clients consent for MCCC?

The reason being we need to prepare our Open Brief by November 13, 2018.

Kindly, find the Requested attachment of the Proposed notice of pendency and Stipulation for MCCC.

Thanks,

Regards

Preethi Kilaru

for John Troy

Confidentiality Note: This e-mail, and any attachment to it, contains privileged and confidential information intended only for the use of the individual(s) or entity named on the e-mail. If the reader of this e-mail is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that reading it is strictly prohibited. If you have received this e-mail in error, please immediately return it to the sender and delete it from your system. Thank you.

Exhibit C

TROY LAW, PLLC
John Troy (JT 0481)
41-25 Kissena Boulevard Suite 119
Flushing, NY 11355
Tel: (718) 762-1324
*Attorney for the Plaintiffs, proposed FLSA Collective and
potential Rule 23 Class*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Case No. 18-cv-00729

-----X
LANQING LIN,
YONG SHAN SU,
LIXIAN QIAN,
EN LIN XIAO, and
MEI HUI JIANG, and
LINGMIN YANG,
*on their own behalf and on behalf of others similarly
situated, and*
YANG LINGMIN
on her own behalf

**COURT AUTHORIZED
NOTICE OF 29 U.S.C. § 216(b)
COLLECTIVE ACTION**

**IMPORTANT NOTICE
ADVISING YOU OR YOUR
RIGHTS**

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Plaintiffs,
v.
EVERYDAY BEAUTY AMORE INC.;
EVERYDAY BEAUTY ARITAUM CORP.;
EVERYDAY BEAUTY MISSHA CORP. and;
EVERYDAY AMORE LLC;
EVERYDAY BEAUTY SHOP, INC.;
EVERYDAY GROUP LLC;
EVERYDAY BEAUTY ARITAUM LAB INC.;
EVERYDAY BEAUTY CORP.;
EVERYDAY BEAUTY LG INC.;
EVERYDAY BEAUTY NATURE COLLECTION
CORP.;
EVERYDAY BEAUTY SHISEIDO CORP.;
EVERYDAY BEAUTY SUPPLY INC.;
JOHN DOE CORP. 1;
JOHN DOE CORP. 2;
JOHN DOE CORP. 3;
JOHN DOE CORP. 4;
JOHN DOE CORP. 5;
JOHN DOE CORP. 6;
JOHN DOE CORP. 7;
JOHN DOE CORP. 8;
JOHN DOE CORP. 9;
JOHN DOE CORP. 10;

JOHN DOE CORP. 11;
XIU QING SU, and
XIN LIN

Defendants.

-----X

TO: — Current and former employees, including Sales Representatives and “Non-Exemption Managers” who are employed at any time from 02-01-2015 to the present by:

- (1) EVERYDAY BEAUTY AMORE INC., located at 6301 Eighth Avenue, Store #12-13, Brooklyn, NY 11220;
- (2) EVERYDAY BEAUTY ARITAUM CORP., located at 6301 Eighth Avenue, Store #21, Brooklyn, NY 11220;
- (3) EVERYDAY BEAUTY MISSHA CORP., located at 136-20 Roosevelt Avenue, Unit 202-205, Flushing, NY 11354 and;
- (4) EVERYDAY AMORE LLC, located at 40-24 College Point Boulevard, Suite B211, Flushing, NY 11354;
- (5) EVERYDAY BEAUTY SHOP, INC., located at 163 Hester Street, Store B, New York, NY 10013;
- (6) EVERYDAY GROUP LLC, located at 63 Flushing Avenue, Unit 148, Brooklyn, NY 11205;
- (7) EVERYDAY BEAUTY ARITAUM LAB INC., located at 2038 86th Street, Brooklyn, NY 11214;
- (8) EVERYDAY BEAUTY CORP., located at 63 Flushing Avenue, Unit 148, Brooklyn, NY 11205;
- (9) EVERYDAY BEAUTY LG INC., located at 135-24 Roosevelt Avenue, Flushing, NY 11354;
- (10) EVERYDAY BEAUTY NATURE COLLECTION CORP., located at 136-20 Roosevelt Avenue, Flushing, NY 11354;
- (11) EVERYDAY BEAUTY SHISEIDO CORP., located at 63 Flushing Avenue, Brooklyn, NY 11205;
- (12) EVERYDAY BEAUTY SUPPLY INC., located at 6546 Cromwell Crescent, #148, Rego Park, NY 11374;
- (13) JOHN DOE CORP. 1, located at 163 Hester Street, Store B, New York, NY 10013;
- (14) JOHN DOE CORP. 2, located at 135-24 Roosevelt Avenue, Flushing, NY 11354;
- (15) JOHN DOE CORP. 3, located at 136-85 Roosevelt Avenue, Flushing, NY 11354;
- (16) JOHN DOE CORP. 4, located at 20 Roosevelt Avenue, Unit 213, Flushing, NY 11354;
- (17) JOHN DOE CORP. 5, located at 136-20 Roosevelt Avenue, Unit 129, Flushing, NY 11354;
- (18) JOHN DOE CORP. 6, located at 7 Catherine Street, Store 7, New York, NY 10038;
- (19) JOHN DOE CORP. 7, located at 18 E Broadway, New York, NY 10002;
- (20) JOHN DOE CORP. 8, located at 136-95 Roosevelt Avenue, Flushing, NY 11354;
- (21) JOHN DOE CORP. 9, located at 135-28 Roosevelt Avenue, Flushing, NY 11354;
- (22) JOHN DOE CORP. 10, located at 115 Bowery, New York, NY 10002;
- (23) JOHN DOE CORP. 11, located at 136-79 Roosevelt Avenue, Flushing, NY 11354;
- (24) XIU QING SU, and
- (25) XIN LIN.

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(hereinafter “Defendants”)

If you worked for certain stores doing business as Aritaum, Everyday Beauty, Shiseido, Everyday Beauty Lab, Nature Collection, and/or Amore (“Subject Stores”) between [INSERT DATE THREE YEARS BACK FROM DATE OF PRELIMINARY APPROVAL ORDER] and [INSERT DATE OF PRELIMINARY APPROVAL ORDER], ~~Defendants at any time since, the purpose of this Notice is to advise you of~~ this lawsuit, and ~~to further advise you of~~ certain rights you may have ~~with respect to this action.~~

Plaintiffs LANQING LIN, YONG SHAN SU, LIXIAN QIAN, EN LIN XIAO, and MEI HUI JIANG, and LINGMIN YANG ~~worked and/or work for Defendants and have brought this action on behalf of all other current and are~~ former employees of certain Subject Stores. They who have brought this lawsuit on behalf of themselves and other current and former sales employees who worked at the Subject stores from [INSERT DATE THREE YEARS BACK FROM DATE OF PRELIMINARY APPROVAL ORDER] to [INSERT DATE OF PRELIMINARY APPROVAL ORDER] ~~worked for Defendants at any time since 02/01/2015 to present.~~

The lawsuit seeks monetary damages under the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and New York Labor Law for allegedly owed minimum wages and overtime wages, FLSA claims. Defendants deny these allegations.

THIS NOTICE is meant to advise you of your right to participate in this lawsuit as a claimant and plaintiff under the Fair Labor Standards Act if you worked as a sales employee for ~~Defendants any of the Subject Stores~~ at any time from [INSERT DATE THREE YEARS BACK FROM DATE OF PRELIMINARY APPROVAL ORDER] to [INSERT DATE OF PRELIMINARY APPROVAL ORDER] ~~02/01/2015 to the present~~ and: (i) were not paid at least the minimum wage for all hours worked; (ii) were not paid overtime for all hours worked over 40.

No determination has been made that you are owed any amount money, and the Court is not endorsing the merits of this lawsuit or advising you to participate in this lawsuit. You are under no obligation to respond to this notice.

Federal law prohibits Defendants from retaliating against you or discriminating against you if you wish to join this lawsuit

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	If you wish to be included, you must complete the form at the end of this Notice.
DO NOTHING	By doing nothing, you will not be included in the portion of the lawsuit relating to claims under the Fair Labor Standards Act.

Your options are explained in this notice. ~~To ask to be included in this lawsuit, you must act before [90 days from date notice is sent out.]~~

01. Why did I get this notice?

You are getting this notice because Defendants' records show that you work or worked as a sales employees at the Subject Stores for Defendants at some time from [INSERT DATE THREE YEARS BACK FROM DATE OF PRELIMINARY APPROVAL ORDER] to [INSERT DATE OF PRELIMINARY APPROVAL ORDER], 02/01/2015 through the present. And did not sign an Arbitration Agreement. The Court has authorized a specific group of individuals to receive this Notice, and only this group is eligible to join the case.

02. What is this lawsuit about?

This lawsuit is about whether the Defendants properly paid ~~its~~ employees in accordance with federal and New York State Labor Law. In the portion of the lawsuit brought under the Fair Labor Standards Act ("FLSA"), the lawsuit alleges that Defendants (i) failed to pay employees the full minimum wage for all hour worked; (ii) failed to pay overtime for all hours worked over 40.

Defendants deny all of these allegations.

03. ~~What damages is the lawsuit seeking? Has the Court decided who is right?~~

~~The lawsuit is seeking to recover unpaid minimum wages, overtime pay, and "liquidated damages," which doubles the amount of wages owed. The lawsuit is also seeking recovery of costs and attorneys' fees. No. The Court has not decided who is right. The Court has not taken any position regarding the merits of Plaintiffs' claims or Defendants' defenses.~~

04. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or a favorable judgment.

By joining this lawsuit, you designate Plaintiffs LANQING LIN, YONG SHAN SU, LIXIAN QIAN, EN LIN XIAO, MEI HUI JIANG, and LINGMIN YANG as your representatives, and to the fullest extent possible, you designate Plaintiffs and their counsel to make decisions on your behalf concerning the case, including settlement of the case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiffs relating to the lawsuit will be binding on you if you join the lawsuit.

~~While this lawsuit is pending, as part of the discovery process, If you join the lawsuit,~~ you may be required to answer questions under oath at a deposition. You may also be asked to testify under oath at trial. You shall be required ~~asked~~ to provide documents or information relating to your employment ~~with Defendants at the Subject Stores~~, which ~~may includemeans~~ responding to written questions or answering questions ~~in person under oath, either before or at trial. For this reason, if~~ you join the lawsuit, you ~~must~~should preserve all documents relating to the ~~Defendants your work at any of the Subject Stores~~ currently in your possession.

~~You also may be asked to sit for a deposition scheduled at your convenience and/or asked to testify at a trial in the Eastern District of New York Courthouse.~~

05. Can Defendants and/or my current employer retaliate or fire me if I join the lawsuit?

No. It is a violation of Federal law for Defendants to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case.

06. ~~Can I participate in this lawsuit, even though, due to my immigration status, I did not work or am not working for Defendants legally~~ Does my immigration status matter?

~~Yes~~No. Your immigration status does not affect your entitlement to recover any back wages that might be owed or to participate in the lawsuit.

07. How do I ~~ask the Court to include me in~~ join the case?

Enclosed is a form called ~~the titled~~ "Plaintiff Consent Form." If you choose to join the lawsuit, ~~it is extremely important that you read, sign, and promptly complete and~~ return it the Plaintiff Consent Form, to:

[INSERT THIRD PARTY ADMINISTRATOR CONTACT INFORMATION]

~~An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Plaintiff Consent form must be sent to the following address:~~

~~TROY LAW PLLC~~

~~— 41-25 Kissena Boulevard, Suite 119~~

~~— Flushing, NY 11355~~

~~— RE: LIN, et al. v. EVERYDAY BEAUTY AMORE INC. et al.~~

The signed ~~Plaintiff Consent~~ To Become Opt-In Plaintiff Form must be postmarked by (INSERT DATE 9045 days from mailing). If your ~~Plaintiff Consent Form~~ To Become Opt-In Plaintiff is not postmarked by (INSERT DATE 4590 days from mailing), you may not be able to participate in this lawsuit~~the federal law portion of this case or share in a monetary damage.~~

08. Do I have a lawyer in this case?

If you choose to join this lawsuit, you ~~will~~ can be represented by Plaintiffs' Counsel: Troy Law, PLLC, 41-25 Kissena Boulevard, Suite 119, Flushing, New York 11355, (718) 762-1324. However, you have a right to hire an attorney of your choice to represent you in this matter. If you are represented by other counsel, you will need to confer with them regarding their costs and fees.

09. Should I get my own lawyer?

~~You do not need to hire your own lawyer because Plaintiffs' Counsel will be working on your behalf. However, you have a right to hire an attorney of your choice to represent you in this matter. If you are represented by other counsel, you will need to confer with them regarding their costs and fees.~~

109. How will the lawyers be paid?

~~If the attorneys in this case obtain money for the Plaintiffs, they will ask the Court for fees and expenses from any recovery. You will not be required to pay these fees and expenses, except you may be liable for certain costs if the Plaintiffs claims are unsuccessful, any out of pocket expense for services provided by Plaintiffs' counsel Troy Law, PLLC. If you choose to be represented by Plaintiffs' attorneys, their costs and fees will be paid out of any settlement or money judgment the class receives against Defendants.~~ If there is no settlement or money judgment, Plaintiffs' counsel will not receive any fee. Further information about this Notice, the deadline for joining the lawsuit, the form provided or answers to other questions concerning this lawsuit may be obtained by contacting the Plaintiffs' attorney John Troy, Esq., telephone number (718) 762-1324. Any communication with Troy Law, PLLC about your potential claims in this case is **privileged and confidential** and will not be disclosed to anyone without your permission.

If you select an attorney other than Plaintiffs' counsel to represent you in this action, you may join this lawsuit by submitting an appropriate consent form directly to the Clerk of Court by the deadline indicated herein.

101. ~~What happens if I do nothing at all? Do the Defendants have a lawyer in this case?~~

~~If you choose to not join this lawsuit, you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable. Yes, the attorneys for Defendants are:~~

~~Felice B. Ekelman, Douglas J. Klein, and Nidhi Srivastava~~

~~Jackson Lewis P.C.~~

~~666 Third Avenue, 29th Floor~~

~~New York, NY 10017~~

~~Felice.Ekelman@jacksonlewis.com~~

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112. This notice has been authorized by the court.

This notice and its contents have been authorized by ~~Magistrate-United States District~~ Judge Brian M. ~~infor~~ the Eastern District of New York. The Court has not yet ruled on whether Plaintiffs' claims or Defendants' defenses have any merit.

Please do not write or call the ~~Ceourt~~ with questions about this ~~notiecase~~.

Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the Lawsuit.

CONSENT TO JOIN LAWSUIT BECOME OPT-IN PLAINTIFF

1. I consent to be an opt-in-party plaintiff in the lawsuit *LIN, et al. v. EVERYDAY BEAUTY AMORE INC., et al.*, U.S. District Court, Eastern District of New York, Civil Action No. 18-cv-00729 ("Lawsuit") for the claims described in the Notice I received, in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

2. By signing and returning this consent form, I hereby designate Plaintiffs LANQING LIN, YONG SHAN SU, LIXIAN QIAN, EN LIN XIAO, and MEI HUI JIANG, and LINGMIN YANG and their counsel Troy Law, PLLC ("the Firm") to represent me and make decisions on my behalf concerning the litigation Lawsuit, and any settlement including entering into a binding settlement agreement related to my claims.

3. I understand that reasonable costs expended on my behalf will be deducted from any settlement or judgment amount money recovered on a pro rata basis among all other plaintiffs. I also understand that the Firm will petition the Court for reasonable attorneys' fees and expenses should any money be recovered in this case, which shall be deducted from any recovery, settle or a money judgment is received and will receive a proportion of any such gross settlement or judgment amount. I agree to be bound by any adjudication of this action by thea eCourt presiding over the Lawsuit, whether it is favorable or unfavorable.

4. I understand that by signing below, I will be required to produced records in my possession relating to the Lawsuit and respond to written questions, and I may be required to testify under oath at a deposition or at a trial.

Name (printed)

Signature

Date

Street Address

City, State, Zip

Best Telephone Number(s)

Email

Mail to:

**TROY LAW, PLLC,
41-25 KISSENA BOULEVARD, SUITE 119
FLUSHING, NY 11355**
**[INSERT THIRD PARTY ADMINISTRATOR CONTACT
INFORMATION]**

RE: *LIN, et al. v. EVERYDAY BEAUTY AMORE INC. et al.*

4849-3294-9370, v. 1

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TROY LAW, PLLC
John Troy (JT 0481)
41-25 Kissena Boulevard Suite 119
Flushing, NY 11355
Tel: (718) 762-1324
*Attorney for the Plaintiffs, proposed FLSA Collective and
potential Rule 23 Class*

Case No. 18-cv-00729

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LANQING LIN,
YONG SHAN SU,
LIXIAN QIAN,
EN LIN XIAO, and
MEI HUI JIANG,
LINGMIN YANG, and
*on their own behalf and on behalf of others similarly
situated, and*
YANG LINGMIN,
on her own behalf,

Plaintiffs,

v.

EVERYDAY BEAUTY AMORE INC.;
EVERYDAY BEAUTY ARITAUM CORP.;
EVERYDAY BEAUTY MISSHA CORP.;
EVERYDAY AMORE LLC;
EVERYDAY BEAUTY SHOP, INC.;
EVERYDAY GROUP LLC;
EVERYDAY BEAUTY ARITAUM LAB INC.;
EVERYDAY BEAUTY CORP.;
EVERYDAY BEAUTY LG INC.;
EVERYDAY BEAUTY NATURE COLLECTION
CORP.;
EVERYDAY BEAUTY SHISEIDO CORP.;
EVERYDAY BEAUTY SUPPLY INC.;
JOHN DOE CORP. 1;
JOHN DOE CORP. 2;
JOHN DOE CORP. 3;
JOHN DOE CORP. 4;
JOHN DOE CORP. 5;
JOHN DOE CORP. 6;
JOHN DOE CORP. 7;
JOHN DOE CORP. 8;
JOHN DOE CORP. 9;
JOHN DOE CORP. 10;

29 U.S.C. § 216(b)
COLLECTIVE ACTION &
FED. R. CIV. P. 23 CLASS
ACTION

NOTICE OF PLAINTIFFS'
MOTION FOR
CONDITIONAL
COLLECTIVE
CERTIFICATION PROPOSED
CONDITIONAL
COLLECTIVE
CERTIFICATION
STIPULATION

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JOHN DOE CORP. 11;
XIU QING SU, and
XIN LIN

Defendants.

-----X

~~1. WHEREAS the Plaintiffs and the putative class of individual have made an application to implement a court-supervised notification to the putative class members under 29 U.S.C. § 216(b), AND~~

~~2. IT IS NOW HEREBY STIPULATED AND AGREED between all parties to the above-captioned action that:~~

~~A. Within fifteen (15) days after entry of this Order, Defendants shall furnish to~~

~~Plaintiffs' counsel and the designated notice administrator an Excel spreadsheet containing:~~

- ~~1. first and last name;~~
- ~~2. last known address with apartment number (if applicable);~~
- ~~3. the last known telephone numbers;~~
- ~~4. last known e-mail addresses; and~~
- ~~5. work location, dates of employment and position~~

~~of all current and former employees, including Sales Representatives and "Non-Exemption Managers" employed from February 01, 2015 to the present by:~~

~~a. EVERYDAY BEAUTY AMORE INC. located at 6301 8th Avenue, store #21 and also store #12-13 in the same building, Brooklyn NY 11220.~~

- b. ~~EVERYDAY BEAUTY ARITAUM CORP. located at 6301 8th Avenue, store #21, Brooklyn NY 11220.~~
- e. ~~EVERYDAY BEAUTY MISSHA CORP. located at New World Mall, at 136-20 Roosevelt Ave., Unit 202-3, 5 Flushing, NY 11354.~~
- d. ~~EVERYDAY AMORE LLC, located at sky-view Mall, located at 40-24 College Point Blvd, Suite B211, Flushing, NY 11354.~~
- e. ~~EVERYDAY BEAUTY SHOP, INC, located at 163 Hester Street, Store B, New York, NY 10013.~~
- f. ~~EVERYDAY GROUP LLC, located at 63 Flushing Avenue, Unit 148, Brooklyn, NY 11205.~~
- g. ~~EVERYDAY BEAUTY ARITAUM LAB INC. located at 2038 86th Street, Brooklyn, NY 11214.~~
- h. ~~EVERYDAY BEAUTY CORP. located at 63 Flushing Avenue, Unit 148, Brooklyn, NY 11205.~~
- i. ~~EVERYDAY BEAUTY LG INC. located at 135-24 Roosevelt Avenue, Flushing, NY 11354.~~
- j. ~~EVERYDAY BEAUTY NATURE COLLECTION CORP located at 136-20 Roosevelt Avenue, Flushing, NY 11354.~~
- k. ~~EVERYDAY BEAUTY SHISEIDO CORP. located at 63 Flushing Avenue, Brooklyn, NY 11205.~~
- l. ~~EVERYDAY BEAUTY SUPPLY INC. located at 6546 Cromwell Crescent, #148, Rego Park, NY 11374.~~
- m. ~~JOHN DOE CORP. 1, located at 163 Hester Street, Store B, New York, NY 10013~~
- n. ~~JOHN DOE CORP. 2, located at 135-24 Roosevelt Avenue, Flushing, NY 11354~~
- o. ~~JOHN DOE CORP. 3, located at 136-85 Roosevelt Avenue, Flushing, NY 11354~~
- p. ~~JOHN DOE CORP. 4, located at 20 Roosevelt Avenue, Unit 213, Flushing, NY 11354.~~

- ~~q. JOHN DOE CORP. 5, located at 136-20 Roosevelt Avenue, Unit 129, Flushing, NY 11354.~~
- ~~r. JOHN DOE CORP. 6, located at 7 Catherine Street, Store 7, New York, NY 10038~~
- ~~s. JOHN DOE CORP. 7, located at 18 E Broadway, New York, NY 10002.~~
- ~~t. JOHN DOE CORP. 8, located at 136-95 Roosevelt Avenue, Flushing, NY 11354.~~
- ~~u. JOHN DOE CORP. 9, located at 135-28 Roosevelt Avenue, Flushing, NY 11354.~~
- ~~v. JOHN DOE CORP. 10, located at 115 Bowery, New York, NY 10002.~~
- ~~w. JOHN DOE CORP. 11, located at 136-79 Roosevelt Avenue, Flushing, NY 11354.~~

~~This mailing list shall be treated by the Parties as confidential.~~

~~3. The Notice of Pendency and Consent to Joinder shall be published in English and Chinese languages.~~

~~4. The Notice of Pendency and Consent to Joinder shall be posted by the defendants in a conspicuous location at:~~

- ~~• EVERYDAY BEAUTY AMORE INC. located at 6301 8th Avenue, store #21 and also store #12-13 in the same building, Brooklyn NY 11220.~~
- ~~• EVERYDAY BEAUTY ARITAUM CORP. located at 6301 8th Avenue, store #21, Brooklyn NY 11220.~~
- ~~• EVERYDAY BEAUTY MISSHA CORP. located at New World Mall, at 136-20 Roosevelt Ave, Unit 202-3, 5 Flushing, NY 11354.~~
- ~~• EVERYDAY AMORE LLC, located at sky view Mall, located at 40-24 College Point Blvd, Suite B211, Flushing, NY 11354.~~
- ~~• EVERYDAY BEAUTY SHOP, INC, located at 163 Hester Street, Store B, New York, NY 10013.~~
- ~~• EVERYDAY GROUP LLC, located at 63 Flushing Avenue, Unit 148, Brooklyn, NY 11205.~~

- ~~EVERYDAY BEAUTY ARITAUM LAB INC. located at 2038 86th Street, Brooklyn, NY 11214.~~
- ~~EVERYDAY BEAUTY CORP. located at 63 Flushing Avenue, Unit 148, Brooklyn, NY 11205.~~
- ~~EVERYDAY BEAUTY LG INC. located at 135-24 Roosevelt Avenue, Flushing, NY 11354.~~
- ~~EVERYDAY BEAUTY NATURE COLLECTION CORP located at 136-20 Roosevelt Avenue, Flushing, NY 11354.~~
- ~~EVERYDAY BEAUTY SHISEIDO CORP. located at 63 Flushing Avenue, Brooklyn, NY 11205.~~
- ~~EVERYDAY BEAUTY SUPPLY INC. located at 6546 Cromwell Crescent, #148, Rego Park, NY 11374.~~
- ~~JOHN DOE CORP. 1, located at 163 Hester Street, Store B, New York, NY 10013~~
- ~~JOHN DOE CORP. 2, located at 135-24 Roosevelt Avenue, Flushing, NY 11354~~
- ~~JOHN DOE CORP. 3, located at 136-85 Roosevelt Avenue, Flushing, NY 11354~~
- ~~JOHN DOE CORP. 4, located at 20 Roosevelt Avenue, Unit 213, Flushing, NY 11354.~~
- ~~JOHN DOE CORP. 5, located at 136-20 Roosevelt Avenue, Unit 129, Flushing, NY 11354.~~
- ~~JOHN DOE CORP. 6, located at 7 Catherine Street, Store 7, New York, NY 10038~~
- ~~JOHN DOE CORP. 7, located at 18 E Broadway, New York, NY 10002.~~
- ~~JOHN DOE CORP. 8, located at 136-95 Roosevelt Avenue, Flushing, NY 11354.~~
- ~~JOHN DOE CORP. 9, located at 135-28 Roosevelt Avenue, Flushing, NY 11354.~~
- ~~JOHN DOE CORP. 10, located at 115 Bowery, New York, NY 10002.~~

• ~~JOHN DOE CORP. 11, located at 136-79 Roosevelt Avenue, Flushing, NY 11354.~~

5. ~~Within twenty one (21) days after receipt of a complete and accurate (with all fields filled out and with the correct number of persons) Defendants' Excel spreadsheet, the Plaintiffs or their designated representatives shall cause a copy of the Notice of Pendency and Consent to Joinder Form to be mailed by first class.~~

6. ~~The Notice of Pendency and Consent to Joinder shall indicate that opt-in plaintiffs should a significant number of Notices be returned as undeliverable with no forwarding address, Plaintiffs must consent to join the action within ninety (90) days from the date notice is mailed.~~

7. ~~Should Defendants fail to furnish a complete Excel list as detailed in Paragraph 2 above OR more than 20% of Notices be returned as undeliverable with no forwarding address, Plaintiff reserves the right to apply to the Court for permission to cause a copy of the Notice of Pendency, substantially in the same form attached hereto, to be published at Defendant's expense by social media and by publication in English, and Chinese languages newspaper for failure to furnish accurate addresses.~~

Plaintiffs, Lanqing Lin, Yong Shan Su, Lixiam Qian, En Lin Xiao, and Mei Hui Jiang ("Plaintiffs") and Defendants Everyday Beauty Amore Inc., Everyday Beauty Aritaum Corp., Everyday Beauty Missha Corp., Everyday Amore LLC, Everyday Beauty Shop, Inc., Everyday Group LLC, Everyday Beauty Aritaum Lab Inc., Everyday Beauty Corp., Everyday Beauty LG Inc., Everyday Beauty Nature Collection Corp., Everyday Shiseido Corp., Everyday Beauty Supply Inc., and Xiu Qing Su (together, "Defendants"), through their undersigned counsel, hereby stipulate and agree to the following:

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1. Count I and Count III of Plaintiffs' Second Amended Complaint shall be conditionally certified pursuant to Section 216(b) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b), with respect to a collective consisting of the sales employees who did not sign Arbitration Agreements employed by Everyday Beauty Missha Corp., Everyday Amore LLC, Everyday Beauty Shop, Inc., Everyday Group, LLC, Everyday Beauty Aritaum Lab Inc., Everyday Beauty Corp., Everyday Beauty LG Inc., Everyday Beauty Nature Collection Corp., Everyday Beauty Shiseido Corp., and Everyday Beauty Supply Inc. at any time between [INSERT DATE THREE YEARS PRIOR TO DATE OF CONDITIONAL CERTIFICATION ORDER] and the present ("Covered Employees") at the following locations:

- a. 136-79 Roosevelt Avenue, Flushing NY 11354
- b. 136-20 Roosevelt Avenue, #213, Flushing, NY 11354
- c. 6301 8th Avenue, Store 21, Brooklyn NY 11220
- d. 136-20 Roosevelt Avenue, #202-205, Flushing, NY 11354
- e. 2038 86th Street, Brooklyn, NY 11214
- f. 136-95 Roosevelt Avenue, Flushing NY 11354
- g. 115 Bowery, New York, NY 10002
- h. 163 Hester Street, New York, NY 11354
- i. 135-24 Roosevelt Avenue, Flushing, NY 11354
- j. 136-85 Roosevelt Avenue, Flushing, NY 11354
- k. 6301 8th Avenue, Store 12, Brooklyn NY 11220
- l. 136-20 Roosevelt Avenue, #129, Flushing, NY 11354
- m. 40-24 College Point Boulevard, Suite B211, Flushing, NY 11354
- n. 7 Catherine Street, New York, NY 10038

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o. 6301 8th Avenue, Store 13, Brooklyn NY 11220

p. 135-28 Roosevelt Avenue, Flushing, NY 11354

2. [INSERT THIRD PARTY ADMINISTRATOR CONTACT INFORMATION] is hereby designated as the Third Party Administrator.

3. Within fourteen (14) days of the date this Stipulation is So Ordered by the Court, Defendants' counsel shall provide the Third Party Administrator with a list of all Covered Employees' names and mailing addresses as that information is on file with Defendants. Defendants' counsel shall provide said information in a Word or Excel file (or in another text searchable format agreed to by the parties' counsel, if available) by [insert date], 2018.

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4. Within seven (7) days of the date the Third Party Administrator receives the information set forth in Paragraph 3 above, the Third Party Administrator shall disseminate to each Covered Employee, in English and Mandarin, a copy of the Notice and Consent to Become Opt-In Plaintiff ("Notice"), attached hereto as Exhibit A. The Notice shall be translated from English to Mandarin by a third party translator mutually agreed to by the Parties, and Plaintiffs' shall be responsible for all associated translation costs.

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5. The Opt-In period shall be a forty-five day period commencing from the date that the notices are first mailed ("Opt-In Period").

6. The Third Party Administrator shall furnish to the Parties all Notices it receives upon receipt of same, which Plaintiffs' counsel shall file with the Court upon receipt at the end of the Opt-In Period.

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7. Plaintiffs shall be responsible for all of the Third Party Administrator's costs associated with the Notice mailing.

8. By stipulating to Conditional Certification, the Defendants are not waiving their

right to move to decertify this collective action pursuant to FLSA § 216(b) or to oppose any future motion that Plaintiffs might make with respect to the issue of final certification of a FLSA collective action, or any other rights or defenses.

~~4.9. It is further stipulated that~~ This Stipulation may be executed in counterparts, each of which shall be deemed an original, but which shall constitute one and the same instrument. An electronic copy of this Stipulation shall be deemed an original, fax signatures are deemed to be original signatures, and a copy of this Stipulation shall be deemed to be an original.

TROY LAW, PLLC
Attorneys for the Plaintiffs

JACKSON LEWIS P.C.
Attorneys for Defendants

By: _____
John Troy (JT 0481)
41-25 Kissena Blvd., Suite 119
Flushing, NY 11355
Tel: 718 762 1324

By: _____
Felice B. Ekelman, Esq.
Douglas J. Klein, Esq.
Nidhi Srivastava, Esq.
666 Third Avenue, 29th Floor
New York, NY 10017
Tel: 212-545-4000

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~~Tel:~~

Based on the foregoing stipulation of the parties, the parties are ordered to comply with the terms and deadlines set forth above.

SO ORDERED

U.S.D.J.

4810-4096-2938, v. 1

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Exhibit D

Srivastava, Nidhi (NYC)

From: Klein, Douglas J. (NYC)
Sent: Monday, November 12, 2018 5:58 PM
To: Troy Law
Cc: Ekelman, Felice B. (NYC); Srivastava, Nidhi (NYC)
Subject: RE: Re:18-cv-00729-BMC Yang et al v. Everyday Beauty Amore Inc. et al // MCCC

Mr. Schweitzer,

We are hopeful the Parties can discuss the terms of a stipulated notice. We expect that Judge Cogan would want such cooperation between the Parties.

Doug

Douglas J. Klein

Attorney at Law

Jackson Lewis P.C.

666 Third Avenue

29th Floor

New York, NY 10017

Direct: (212) 545-4020 | Main: (212) 545-4000

Douglas.Klein@jacksonlewis.com | www.jacksonlewis.com

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From: Troy Law <troylaw@troypllc.com>
Sent: Monday, November 12, 2018 5:12 PM
To: Klein, Douglas J. (NYC) <Douglas.Klein@jacksonlewis.com>
Cc: Ekelman, Felice B. (NYC) <Felice.Ekelman@jacksonlewis.com>; Srivastava, Nidhi (NYC) <Nidhi.Srivastava@Jacksonlewis.com>
Subject: Re:18-cv-00729-BMC Yang et al v. Everyday Beauty Amore Inc. et al // MCCC

Counsellor,

After our conversation earlier today, We do not consent to your stipulation.

We would rather file the motion and get what our client deserves.

We will file the Motion to Conditional Certification by the end of tomorrow.

Accordingly, the schedule remains the same.

Thanks,
Regards

Preethi Kilaru
for Aaron Schweitzer

TROY LAW

Attorneys & Counselors at Law

Queens: 41-25 Kissena Blvd., Suite 119, Flushing, NY 11355 Tel: (718) 762-1324
Taipei: 11F, No. 372, Linsen N. Rd., Taipei City 10446, Taiwan Tel: +886-2-2571-2572

蔡鴻章律師事務所

**Our firm does not accept paper or fax correspondence, including service and production of documents, which must be sent by e-mail*

**We do not keep originals or copies of clients, clients shall retain all their own*

On 12 November 2018 at 16:04, Klein, Douglas J. (NYC) <Douglas.Klein@jacksonlewis.com> wrote:

Aaron,

Further to our call this afternoon, I am working to confirm with our client the open question concerning Defendants covering the cost of a third party administrator. I hope to have an answer today or tomorrow, and I will update you as soon as I know. In the meantime, given our progress on the call today on the terms of the notice, please confirm if Plaintiffs consent to the attached filing to Judge Cogan, requesting a one week extension of time from tomorrow until next Tuesday to file the proposed stipulation and notice (or Plaintiffs' motion in the event we do not come to an agreement).

Doug

Douglas J. Klein

Attorney at Law

Jackson Lewis P.C.

666 Third Avenue

29th Floor

New York, NY 10017

Direct: (212) 545-4020 | Main: (212) 545-4000

Douglas.Klein@jacksonlewis.com | www.jacksonlewis.com

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